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8 **UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

9

10 FRED JEAN, Individually and on Behalf
of All Others Similarly Situated,

11 Plaintiff,

12 v.

13 STEC, INC., MANOUCH MOSHAYEDI
and MARK MOSHAYEDI,

14 Defendants.

15 No. 09-cv-01304-JVS-MLG

16 **CLASS ACTION**

17 **NOTICE OF MOTION AND
MOTION OF THE STEC INC.
INVESTOR GROUP FOR
CONSOLIDATION OF
RELATED ACTIONS,
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
CO-LEAD COUNSEL**

18 Date: February 8, 2010

Time: 1:30 p.m.

Courtroom: 10C

Honorable James V. Selna

19 *[Captions Continue on Following Pages]*

1 HADI SAKHAI, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 STEC INC., MANOUCH MOSHAYEDI,
6 MARK MOSHAYEDI, RAYMOND D.
7 COOK, J.P. MORGAN SECURITIES
8 INC., DEUTSCHE BANK SECURITIES
9 INC., BARCLAYS CAPITAL INC. and
10 OPPENHEIMER & CO. INC.,

11 Defendants.

12 FRED GREENWALD, Individually and
13 on Behalf of All Others Similarly
14 Situated,

15 Plaintiff,

16 v.

17 STEC INC., MANOUCH MOSHAYEDI
18 and MARK (MERHDAD)
19 MOSHAYEDI,

20 Defendants.

21 DANIEL MUNTER, Individually and on
22 Behalf of All Others Similarly Situated,

23 Plaintiff,

24 v.

25 STEC INC., MANOUCH MOSHAYEDI,
26 MARK MOSHAYEDI and RAYMOND
27 D. COOK,

28 Defendants.

No. 09-cv-01306-JVS-MLG

No. 09-cv-01315-JVS-MLG

No. 09-cv-01320-JVS-MLG

29 [Captions Continue on Following Page]

1 MARCEL WEINBERGER, Individually
2 and on Behalf of All Others Similarly
3 Situated,

4 Plaintiff,
5 v.
6 STEC INC., MANOUCH MOSHAYEDI,
7 MARK MOSHAYEDI and RAYMOND
8 D. COOK,
9 Defendants.

10 JONATHAN FISCHER, Individually and
11 on Behalf of All Others Similarly
12 Situated,

13 STEC INC., MANOUCH MOSHAYEDI,
14 MARK MOSHAYEDI and RAYMOND
15 D. COOK,
16 Defendants.

No. 09-cv-01460-JVS-MLG

No. 09-cv-08536-JVS-MLG

17 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF
RECORD:**

18 PLEASE TAKE NOTICE, that on February 8, 2010, at 1:30 p.m., or as soon
19 thereafter as the matter can be heard, in the courtroom of the Honorable James V.
20 Selna, situated at 411 West Fourth Street, Santa Ana, California, movants Jesus
21 Tudela, Emilio Gerov, Mark Patel and Garrett Nishihara (collectively, the “STEC
22 Inc. Investor Group” or “Movants”) will move, and hereby do move, under
23 §§21(D) *et seq.* of the Securities Exchange Act of 1934 as amended by the Private
24 Securities Litigation Reform Act of 1995 (“PSLRA”), for an order (a)
25 consolidating related actions, (b) appointing Jesus Tudela, Emilio Gerov, Mark
26 Patel and Garrett Nishihara as lead plaintiff, and (c) approving their selection of

27 No. 09-cv-01304-JVS-MLG
28 MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION,
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL

1 Saxena White P.A. and Glancy Binkow & Goldberg LLP as co-lead counsel for the
 2 Class.

3 This motion is brought pursuant to the Securities Exchange Act of 1934, the
 4 Federal Rules of Civil Procedure and the PSLRA.

5 This motion is based on this Notice, the attached memorandum of points and
 6 authorities, the declaration of Michael Goldberg, and the Court's complete files
 7 and records in this action, as well as such further argument as the Court may allow
 8 at a hearing on this motion.

9 **COMPLIANCE WITH CIVIL LOCAL RULE 7-3**

10 This motion is filed pursuant to Section 21D of the Securities Exchange Act
 11 of 1934, as amended by the PSLRA. This Section provides that within 60 days
 12 after publication of the required notice, any member of the proposed class may
 13 apply to the Court to be appointed as lead plaintiff, whether or not they have
 14 previously filed a complaint in the underlying action. Consequently, counsel for
 15 Movant has no way of knowing who, if any, the competing lead plaintiff
 16 candidates are at this time. As a result, counsel for Movant has been unable to
 17 conference with opposing counsel as prescribed in Local Rule 7-3, and respectfully
 18 requests that the conference requirement of Local Rule 7-3 be waived for this
 19 motion. Pursuant to §77u-4(a)(3)(B)(iii)(II), defendants do not have standing to
 20 oppose the appointment of Movant as lead plaintiff. *See also Takeda v. Turbodyne*
 21 *Techs., Inc.*, 67 F. Supp. 2d. 1129, 1138 (C.D. Cal. 1999).

22 Respectfully submitted,

23 Dated: January 5, 2010

24 **GLANCY BINKOW & GOLDBERG LLP**

25 /s/ Michael Goldberg

26 Michael Goldberg
 27 Lionel Z. Glancy
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PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO
CENTRAL DISTRICT OF CALIFORNIA LOCAL RULES AND ECF
GENERAL ORDER NO. 08-02

4 I, the undersigned, say:

5 I am a citizen of the United States and am employed in the office of a member
6 of the Bar of this Court. I am over the age of 18 and not a party to the within action.
7 My business address is 1801 Avenue of the Stars, Suite 311, Los Angeles, California
90067.

8 On January 5, 2010, I caused to be served the following document:

9	1	NOTICE OF MOTION AND MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
10	2	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
11	3	DECLARATION OF MICHAEL GOLDBERG IN SUPPORT OF MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
12	4	[PROPOSED] ORDER GRANTING MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL

20
21 By posting this document to the ECF Website of the United States District
22 Court for the Central District of California, for receipt electronically by the following
23 parties:

24 [SEE ATTACHED SERVICE LIST]

25 I certify under penalty of perjury under the laws of the United States of
26 America that the foregoing is true and correct. Executed on January 5, 2010, at
27 Los Angeles, California.

28
29 *s/Michael Goldberg*
30 Michael Goldberg

1 ***Jean v. STEC, Inc., et al., No. 09-cv-01304-JVS-MLG***2 **SERVICE LIST**3 **Electronically To All ECF-Registered Entities**

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4 **By US Mail To All Known Non-ECF-Registered Entities**

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